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SUBJECT: NIGERIA: TRAFFICKING IN PERSONS (TIP) REPORT

REF: STATE 12686

1. The following is Post's submission for the annual Trafficking in Persons (TIP) report. Paragraphs below are keyed to questions in reftel.

PARA 23 -- OVERVIEW

A AND B. IS THE COUNTRY A COUNTRY OF ORIGIN, TRANSIT OR DESTINATION FOR INTERNATIONAL TRAFFICKED MEN, WOMEN, OR CHILDREN? DOES THE TRAFFICKING OCCUR WITHIN THE COUNTRY'S BORDERS? DOES IT OCCUR IN TERRITORY OUTSIDE OF THE GOVERNMENT'S CONTROL (E.G. IN A CIVIL WAR SITUATION)? ARE ANY ESTIMATES OR RELIABLE NUMBERS AVAILABLE AS TO THE EXTENT OR MAGNITUDE OF THE PROBLEM? PLEASE INCLUDE ANY NUMBERS OF VICTIMS. WHAT IS/ARE THE SOURCE(S) OF AVAILABLE INFORMATION ON TRAFFICKING IN PERSONS? HOW RELIABLE ARE THESE SOURCES? ARE CERTAIN GROUPS OF PERSONS (WOMEN AND CHILDREN -- ALSO, BOYS VERSUS GIRLS -- OR CERTAIN ETHNIC GROUPS) MORE AT RISK OF BEING TRAFFICKED?

1A. and B. Nigeria is primarily a point of origin, though it also serves as a significant transit area for trafficking in the sub-region. To a lesser extent it is a destination point for young children from nearby West African countries. There is also a sizeable, but unquantifiable, internal trafficking network for forced labor within Nigeria. While the majority of trafficking from Nigeria involves females destined for brothels in Southern Europe, young males are trafficked to other African countries, including Gabon, Cameroon, Equatorial Guinea and the Benin Republic, to work on farms or plantations. Press reports claim 18 children per month are repatriated from Gabon to Nigeria's eastern cities. Authorities have identified another trafficking route of children through Katsina and Sokoto to the Middle East and East Africa. This practice reflects historic slave trade routes between Sub-Saharan Africa and the Middle East. Eastern Nigeria and Cross River and Akwa Ibom states have been the focus of trafficking of children for labor and, reportedly in some cases, human sacrifice. Many children are sold for as little as \$50.00, according to press sources.

A and B (cont). There are no accurate figures of the number of Nigerians involved in the international sex trade -- the largest "employer" of the Nigerians trafficked abroad. However, Nigerian law enforcement personnel and NGOs tell us that some of the foreign prostitutes in Italy are Nigerian. The Italian Ambassador to Nigeria recently estimated that 18,000 Nigerians prostitutes currently in Italy were victims of trafficking. Mark: This is not credible. The number of Southeastern Europeans is much higher, but they don't look quite so foreign. I worked on Bosnia, so this is something about which I've some knowledge. (Note: There are for more than 150,000 illegal immigrants in Italy. (End note) In the past three years, Italy and Nigeria have cooperated to repatriate over 1,300 such persons. While many of them went to Italy willingly, others were forced or duped by family members or criminal gangs or driven by dire economic conditions into the international sex industry. Other significant receiving countries for trafficked Nigerians include the Netherlands, the Czech Republic, Spain and France. In one particularly glaring example of this trade, a Dutch court convicted the

former Ambassador of the Netherlands to Nigeria in December 1999 for having provided visas to Nigerian women allegedly to engage in the commercial sex trade.

1C. HAVE THERE BEEN ANY CHANGES IN THE DIRECTION OR EXTENT OF TRAFFICKING?

1C. Fewer trafficking syndicates appear to use air routes for trafficking females to Europe, opting instead for the more circuitous but safer land routes through West Africa and the Sahara. This appears to be the result of improved interdiction efforts by airlines, European diplomatic missions in Nigeria, and immigration authorities at European airports.

1D. ARE ANY EFFORTS OR SURVEYS PLANNED OR UNDERWAY TO DOCUMENT THE EXTENT AND NATURE OF TRAFFICKING IN THE COUNTRY? IS ANY ADDITIONAL INFORMATION AVAILABLE FROM SUCH REPORTS OR SURVEYS THAT WAS NOT AVAILABLE LAST YEAR?

1D. The ILO's International Program for the Elimination of Child Labor (IPEC) has conducted a regional study of child trafficking patterns in eight West African countries. This study, part of a \$4.3 million regional anti-trafficking project funded by USDOL, is available on the internet at www.ilo.org and, along with a similar study produced by UNICEF (available at www.unicef.org) is an excellent resource aid. The International Organization of Migration (IOM) has funded a study by the University of Benin (Edo State, Nigeria) to ascertain the extent of the problem in Nigeria, but the report remains unpublished. IOM's Regional office in Dakar hopes to have the report completed by mid-2002. This report may contain the most comprehensive data on trafficking within the country.

1E. IF THE COUNTRY IS A DESTINATION POINT FOR TRAFFICKED VICTIMS: WHAT KIND OF CONDITIONS ARE THE VICTIMS TRAFFICKED INTO? ARE THEY FORCED TO WORK IN SWEATSHOPS, AGRICULTURE, RESTAURANTS, CONSTRUCTION SITES, PROSTITUTION, NUDE DANCING, DOMESTIC SERVITUDE, BEGGING OR OTHER FORMS OF LABOR OR SERVICES? WHAT METHODS ARE USED TO ENSURE COMPLIANCE? ARE THE VICTIMS SUBJECT TO VIOLENCE, THREATS, WITHHOLDING OF THEIR DOCUMENTS, ETC?

1E. Most trafficked victims arriving in Nigeria are young children from neighboring states. Girls are usually placed in homes as domestic servants; most boys become agricultural laborers. Some of the children involved in this trade are incorporated into households, working as "wards." A smaller number may be used to hawk goods on street corners or to beg. Fear of physical punishment, language barriers, and traditional religious practices are used to control victims. In countries such as Nigeria where animism is still practiced by many, the belief in voodoo curses and oaths has considerable effect on silencing children.

1F. IF THE COUNTRY IS A COUNTRY OF ORIGIN: WHICH POPULATIONS ARE TARGETED BY THE TRAFFICKERS? WHO ARE THE TRAFFICKERS? WHAT METHODS ARE USED TO APPROACH VICTIMS? (ARE THEY OFFERED LUCRATIVE JOBS, SOLD BY THEIR FAMILIES, APPROACHED BY FRIENDS OF FRIENDS, ETC?)

1F. Traffickers mostly target young women for the international sex trade, but some are also used as drug couriers. Edo State has gained a reputation (deserved) as the main supplier of international prostitutes for Italy. Anecdotal evidence suggests that Edo indigenes began migrating to Italy for employment as migrant farm laborers several decades ago. These laborers began facilitating the travel of other Edo residents to Italy for work. Some of these individuals became involved with drug trafficking and other criminal activities. In the 1980s and 1990s Nigerian criminal networks, primarily in Turin and Milan, began facilitating travel of young women for prostitution. Ironically, many traffickers are former victims who have paid off their madams and began recruiting girls from their home areas to Italy. Human Rights Watch indicates that many young women claim they are told they will be performing work other than prostitution and then are forced into the sex trade once abroad. However, local reports indicate that many young women know they will be in the sex trade. What most do not know are the horrendous conditions they will encounter. Many will not be paid the salaries promised, many are forced into indentured servitude to pay off smuggling fees ranging as high as USD 50,000 and most

are subject to physical and sexual abuse to keep them from alerting foreign law enforcement authorities. Traffickers often use family pressure to ensure the victims' participation. Nigerian crime syndicates may use indebtedness, threats of beatings and/or rape, physical injury to the victim's family, arrest and deportation to persuade those forced into a life of servitude from attempting to escape. Many trafficking victims are forced to undergo ritual cultural oaths of secrecy or are swayed with charms. Because belief in traditional religions is still maintained by a number of Nigerians, even those practicing Christianity or Islam, those "voodoo" rituals can keep many victims from contacting authorities about their abuse.

1G. IS THERE POLITICAL WILL AT THE HIGHEST LEVELS OF GOVERNMENT TO COMBAT TRAFFICKING IN PERSONS? IS THE GOVERNMENT MAKING A GOOD FAITH EFFORT TO SERIOUSLY ADDRESS, TRAFFICKING? IN BROAD TERMS, WHAT RESOURCES IS THE HOST GOVERNMENT DEVOTING TO COMBAT TRAFFICKING IN PERSONS (IN TERMS OF PREVENTION, PROTECTION, PROSECUTION)?

1G. Over the past year, the Government of Nigeria has demonstrated increased political will to fight trafficking in persons. President Obasanjo recognizes this crime as a threat to Nigeria and speaks out against it frequently. That said, however, the federal government continues to devote inadequate resources to the fight against trafficking in persons. In 1999 the Government funded the establishment of a modest Police Anti-TIP Task Force in Lagos to assist with the repatriation of trafficked victims and to build criminal cases against suspected traffickers. In 2002 the Government established an inter-ministerial Committee to Address TIP but this committee lacks its own budget and oversees no programs. Government programs for health, education and general social development, while not earmarked to address trafficking per se, do help address indirectly some of the factors contributing to trafficking.

1H. DO GOVERNMENTAL AUTHORITIES OR INDIVIDUAL MEMBERS OF GOVERNMENT FORCES FACILITATE TRAFFICKING, CONDONE TRAFFICKING OR OTHERWISE COMPLICIT IN SUCH ACTIVITIES? IF SO, AT WHAT LEVELS? DO GOVERNMENT AUTHORITIES (SUCH AS CUSTOMS, BORDER GUARDS, IMMIGRATION OFFICIALS, LOCAL POLICE OR OTHERS) RECEIVE BRIBES FROM TRAFFICKERS OR OTHERWISE ASSIST IN THEIR OPERATIONS? WHAT PUNITIVE MEASURES, IF ANY, HAVE BEEN TAKEN AGAINST THOSE INDIVIDUALS COMPLICIT OR INVOLVED IN TRAFFICKING?

1H. There are a few notable crusaders in the Nigerian Police Force on this issue. They are largely women and are fighting a lack of political will by and, in some cases, the active complicity of government officials. The recently dismissed Deputy Inspector General (DIG) of Police Abimbola Ojomo and the head of the Lagos-based task force against TIP, M.A. Giwa Osagie, demonstrate a personal commitment to fight traffickers and to aid trafficking victims. They regularly use personal funds to feed and care for deportees. At the other end of the spectrum, post has received credible reports that individual government officials facilitate or condone trafficking. Corruption is common in Customs, the National Police Force and Immigration, where most personnel are underpaid and poorly trained. Some repatriated TIP victims have alleged the active participation of Nigerian Immigration officials as a part of the trafficking syndicates. Returnees have reported that they were able to board flights to Italy for a fee (\$10,000 to \$15,000) without any passport or visa. Moreover, many women are reportedly trafficked through neighboring countries using forged travel documents identifying them as non-Nigerians. Ghana and Guinea serve as the main transit points using this method. The arrest of 15 Nigerian traffickers and rescue of 33 Nigerian women and girls in Conakry in July 2002 revealed the major role Guinea plays as a transit hub for Nigerian females bound for Europe. One of the 15 traffickers arrested in this case is a former chief of police of Edo State.

1I. WHAT ARE THE LIMITATIONS ON THE GOVERNMENT'S ABILITY TO ADDRESS THIS PROBLEM IN PRACTICE? E.G., IS FUNDING FOR POLICE OR OTHER INSTITUTIONS INADEQUATE? IS OVERALL CORRUPTION A PROBLEM? DOES THE GOVERNMENT LACK THE RESOURCES TO AID VICTIMS?

1I. The National Police Force, Customs, Immigration, and other relevant authorities lack financial resources and a sustained political commitment from the Federal Government to combat trafficking in persons effectively. As

previously noted, a few female police officers often use their own resources to pay for travel to neighboring states for investigations and the upkeep of deportees. Few officers have been trained to identify and monitor traffickers. Corruption, endemic in Nigerian society after decades of misrule and mismanagement by military rulers, remains one of the GON's most pressing problems. The government could summon adequate resources to address the TIP problem, but to date has chosen to allocate resources to other pressing, and equally distressing, problems facing the country. Reports from air carriers suggest that most sex workers travel with authentic documents. False Nigerian documents can be purchased cheaply and easily and Italian documents, particularly the residency permit, are extremely vulnerable to fraud. The Government of Nigeria has not demonstrated the ability or will to curb fraud in the issuance of travel documents. Therefore, the onus has fallen on Italian authorities to control entry. The Italian and Nigerian governments in 2002 signed a repatriation agreement but this does not seem to address the problem of immigration fraud. The Police anti-TIP Task Force established in 1999 has not realized its plan to expand its force of 10 officers and sole office in Lagos to a larger force and offices in Kano, Port Harcourt and Benin City. The Task Force did benefit, however, from some of \$2.5 million worth of equipment given by the Italian government to the Nigerian police and immigration service in 2002.

PARA 24 -- PREVENTION

1A. DOES THE GOVERNMENT ACKNOWLEDGE THAT TRAFFICKING IS A PROBLEM IN THAT COUNTRY? IF NO, WHY NOT?

1A. The GON acknowledges that trafficking is a problem, largely because of the negative image that trafficking generates. However, many GON officials put the responsibility for addressing the international TIP problem on destination countries, such as Italy. Some government officials and even non-governmental organizations blame the demand for Nigerian prostitutes in Europe for the problem. The trafficking of women from northern Nigeria to Saudi Arabia is a growing problem, but officials of the predominately Muslim states in Nigeria are reluctant to admit, the existence of an increasing sex trade to Muslim countries. Nigerian Government officials also do not openly admit the internal trafficking of children within Nigeria for forced labor purposes.

1B. WHICH GOVERNMENT AGENCIES ARE INVOLVED IN ANTI-TRAFFICKING EFFORTS?

1B. Anti-trafficking efforts are primarily a law enforcement issue. Police attempts in Nigeria to stem the trafficking of women include jail sentences and public humiliation. In April 1999, the federal Criminal Investigation Department (CID) paraded a group of 47 females and 17 male victims before the press in Lagos. When a group of 62 undocumented women were deported in October 1999 from Italy to Nigeria, they were met by police, local media, their parents and village chiefs, and promptly arrested. Now such deportations from Italy are common and the deportees are not arrested, but rather released after a cursory screening. Both approaches to handling the deportees appear ineffective as parents, other relatives and professional smugglers who force many of these women and girls into prostitution continue to be motivated by greed. The absence of punishment for traffickers also encourages them to continue their criminal activities. Former Deputy Inspector General Ojomo has participated in several international conferences on trafficking. At home she is trying to find sponsors for rehabilitation programs for the returned prostitutes.

1C. ARE THERE OR HAVE THERE BEEN ANTI-TRAFFICKING INFORMATION OR EDUCATION CAMPAIGNS? IF YES, BRIEFLY DESCRIBE THE CAMPAIGN(S), INCLUDING THEIR OBJECTIVES AND EFFECTIVENESS.

1C. Wives of national politicians are involved in raising public awareness and shaping legislation on trafficking. Titi Abubakar, wife of the Vice-President, sponsored a three-day workshop on "Trafficking in Women and Child Labor" in Abuja in October 1999 for NGOs and legislators. She has since formed a NGO called the "Women Trafficking and Child Labor Eradication Foundation (WOTCLEF)," which is devoted to raising awareness of the trafficking problem, providing social services to those affected by trafficking, and assisting with prevention programs. WOTCLEF in early 2001 sponsored the first Nigerian-hosted Pan-African

conference on Human Trafficking in Abuja. Mrs. Josephine Anenih, wife of the Minister of Works and Housing, is the President of the Federation of Women lawyers (FIDA) in Edo State. She lobbied for the introduction of legislation in the Edo State House of Assembly that increased the penalties for individuals engaged in trafficking. Edo State Governor Lucky Igbinedion signed the law and the Edo State Assembly passed it in December 2000. According to Bisi Olateru-Olagberu, Executive Director of the Women's Consortium of Nigeria (WOCN), public awareness campaigns have blanketed Edo and other eastern states where most of the commercial sex workers originate. Notwithstanding these state level efforts, the lucrative returns from the international prostitution trade; and prevailing economic conditions; have combined to greatly lower the stigma attached to its practiced.

1D. DOES THE GOVERNMENT SUPPORT OTHER PROGRAMS TO PREVENT TRAFFICKING? (E.G. TO PROMOTE WOMEN'S PARTICIPATION IN ECONOMIC DECISION MAKING OR EFFORTS TO KEEP CHILDREN IN SCHOOL.) PLEASE EXPLAIN.

1D. At the federal level, very little is offered to women and children as alternatives to trafficking. However, initiatives in some states have begun recently to provide options. A majority of the women returned to Nigeria are ethnic "Binis" hailing from Edo State, the former kingdom of Benin. Mrs. Eki Igbinedion, wife of the Edo State Governor, has formed a NGO called "IDIA Renaissance" to fight prostitution and trafficking and to rehabilitate repatriated prostitutes. Her programs include the creation of cottage industries for young girls to sustain themselves and educational programs to remedy high drop-out rates among girls aged 15 to 20. In order to discourage families from putting their daughters into prostitution, Governor Lucky Igbinedion publishes the names of the returned prostitutes and their families in the national dailies. The Edo state government has formed a subcommittee on women's political affairs in Benin City (Edo's state capital) to create awareness of the issue, to instill in parents responsibility toward their children, and to educate children to the dangers of the trade. Press reports indicate that the Igbinedions have been threatened by traffickers for their high-profile exposure of those involved in the trade. Onari Duke, the wife of the Cross River state governor, is particularly concerned about the sale of children by their families in the northern part of the state during the period just after the holidays, when families may be financially strapped. Despite the efforts in these particular states, Bisi Olateru-Olagberu (see para C above) says funding for shelters that provide housing, education, job training, and protection from family members for the repatriated women is the immediate short-term need. Olateru-Olagberu's organization has done preliminary research into the problem including a survey of repatriated women. She also conducts public awareness campaigns and national workshops.

1E. IS THE GOVERNMENT ABLE TO SUPPORT PREVENTION PROGRAMS?

1E. Yes, but only to a limited extent. With so many priorities before it, the GON has not yet focused on a comprehensive anti-trafficking program. An overall improvement in Nigeria's badly deteriorated economy and education system is needed to address the root causes of Nigeria's TIP problem.

1F. WHAT IS THE RELATIONSHIP BETWEEN GOVERNMENT OFFICIALS, NOGS, OTHER RELEVANT ORGANIZATIONS AND OTHER ELEMENTS OF CIVIL SOCIETY ON THE TRAFFICKING ISSUE?

1F. The relationship between federal institutions -- executive and legislative -- and non-governmental organizations varies depending upon the political affiliations of the NGO. Repeated efforts by NGOs to introduce anti-TIP legislation in the National Assembly were thwarted until the Vice-President's wife's NGO, WOTCLEF, successfully submitted a draft anti-TIP law to the Assembly in February 2001 (but it has yet to be passed). The involvement of wives of government officials has made it increasingly difficult to distinguish between genuine NGOs and other politically-oriented organizations established under the banner of anti-TIP work. Established NGOs with good grass-roots support feel threatened by and are often out-financed by NGOs created by high-profile political figures.

1G. DOES THE GOVERNMENT ADEQUATELY MONITOR ITS BORDERS? DOES IT MONITOR IMMIGRATION AND EMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING? DO LAW ENFORCEMENT AGENCIES RESPOND APPROPRIATELY TO SUCH EVIDENCE?

1G. No. For example, Embassy offices have repeatedly observed small sum payments to Customs and Immigration officers (the equivalent of 20 cents to one dollar) for quick passage without paperwork. Four countries border Nigeria, and illicit traffic of persons and goods can easily be conducted via unofficial border crossings. Poorly trained and corrupt immigration officials do not look for evidence of trafficking nor do they normally respond adequately when evidence is presented. Stricter document controls and scrutiny at Murtala Mohammed International Airport in Lagos have resulted in a shift of trafficking patterns to take advantage of the country's porous overland borders and coastal maritime routes. Many traffickers prefer overland routes through Benin, Togo and Ghana. Some victims then fly from Accra or Abidjan to Europe. Others move overland to Conakry for continued overland travel to the Mediterranean coast and across the sea to Europe. In addition, Kano's international airport is becoming a new hub for traffickers, given regular flight service from this airport to destinations in eastern Africa and the Middle East. Victims are also being taken overland through Niger to Morocco and driven through Egypt to the Middle East and Europe.

1H. and K. IS THERE A MECHANISM FOR COORDINATION AND COMMUNICATION BETWEEN VARIOUS AGENCIES, SUCH AS A MULTI-AGENCY WORKING GROUP OR A TASK FORCE? DOES THE GOVERNMENT HAVE AN ANTI-TRAFFICKING IN PERSONS TASK FORCE? DOES THE GOVERNMENT HAVE A PUBLIC CORRUPTION TASK FORCE? IS THERE SOME ENTITY OR PERSONS RESPONSIBLE FOR DEVELOPING ANTI-TRAFFICKING PROGRAMS WITHIN THE GOVERNMENT?

1H. and K. In 2002, the President established an inter-ministerial committee to coordinate all federal anti-TIP policies and programs. The committee is chaired by the Minister of State for Justice and has subcommittees on law enforcement; prevention efforts, legal reform; and planning of an international anti-TIP summit. The government has a police anti-TIP task force and an Independent (answering only to the President) Anti-Corruption Commission. President Obasanjo in late 2002 established the position of Special Assistant to the President on Human Trafficking and Child Labor and named Michael Mku to that job.

1I. DOES THE GOVERNMENT COORDINATE WITH OR PARTICIPATE IN MULTINATIONAL OR INTERNATIONAL WORKING GROUPS OR EFFORTS TO PREVENT, MONITOR OR CONTROL TRAFFICKING?

1I. The GON continues to participate in regional and international conferences and forums addressing TIP, particularly the ECOWAS Experts Meeting in Accra (October 2001) to formulate a regional Plan of Action and ECOWAS Resolution against TIP and the ECPAT "Stockholm Plus Five" International anti-TIP conference in Yokohama, Japan (December 2001). President Obasanjo plans to host an international Summit on TIP in Abuja in July 2002 to formulate better regional and international strategies to prevent, monitor and combat trafficking.

1J. DOES THE GOVERNMENT HAVE A NATIONAL PLAN OF ACTION TO ADDRESS TRAFFICKING IN PERSONS? IF SO, WHICH AGENCIES WERE INVOLVED IN DEVELOPING IT? WERE NGOS CONSULTED IN THE PROCESS? WHAT STEPS HAS THE GOVERNMENT TAKEN TO DISSEMINATE THE ACTION PLAN?

1J. The Government does not yet have a national plan of action to address TIP though the newly constituted Federal inter-ministerial TIP Committee will work toward this with the assistance of the USDOL-funded ILO-IPEC program. The Ministries of Women and Child Development, Health, Education, Justice and Foreign Affairs are key participants in this process, which will include the voice of NGOs, according to the responsible Presidential Advisor.

PARA 25 -- INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. DOES THE COUNTRY HAVE A LAW SPECIFICALLY PROHIBITING TRAFFICKING IN PERSONS? IF SO, WHAT IS THE LAW? IF NOT, UNDER WHAT OTHER LAWS CAN TRAFFICKERS BE PROSECUTED? FOR EXAMPLE, ARE THERE LAWS AGAINST SLAVERY OR THE EXPLOITATION OF PROSTITUTION BY MEANS OF COERCION OR FRAUD? ARE THESE OTHER LAWS BEING USED IN TRAFFICKING CASES? ARE THESE LAWS, TAKEN TOGETHER, ADEQUATE TO COVER THE FULL SCOPE OF TRAFFICKING IN PERSONS?

1A. No specific federal law exists now. The actions of state legislatures, such as the Edo State Assembly, to outlaw trafficking has sparked more interest at the federal level. The presentation of draft federal anti-TIP legislation to the National Assembly by WOTCLEF is an opportunity to correct this weakness. There is renewed hope, particularly among members of the Women's Affairs Committee in the National Assembly, that Mrs. Abubakar's legislation will be successful as Nigeria's criminal code is undergoing change in this new democracy. The criminal code applying to southern Nigerian states addresses some aspects of trafficking, especially that of children, in chapter 21. Sections 276-279 of the Northern Penal code -- applying to the 17 northern Nigerian states -- forbid trafficking of females for prostitution or any immoral or illegal purpose. It should be noted that each of Nigeria's 36 states began updating state laws in 1999. The criminal code and the penal code may no longer be universally applicable as new laws or court systems (e.g. Shari statutes) have supplanted or supplemented older laws. For example, Edo state recently passed a law specifically aimed at traffickers of both women and children, and it added provisions beyond those found in the criminal code.

1B. WHAT IS THE PENALTY FOR TRAFFICKERS?

1B. There is no federal penalty for trafficking in persons, given the lack of a federal trafficking law. Under the criminal code, penalties for trafficking of children include fines and imprisonment from two to seven years. Under the penal code, penalties for encouragement of prostitution for women or children range up to ten years.

1C. WHAT ARE THE PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT? HOW DO THEY COMPARE TO THE PENALTY FOR TRAFFICKING?

1C. The penal code protects children from sexual abuse through age 14 and defines all abuse under this age as rape. The criminal code prohibits the sexual assault or indecent assault of boys under the age of 14 (Criminal code Cap. 42, Chapter XXI, S. 216) and girls under the age of 13 (Criminal Code Cap. 42, Ch. XXI, S. 218). Sexual assault of girls between the ages of 13 to 15 is known as defilement and is categorized as a misdemeanor offense (Criminal code Cap. 42, Ch. XXI, S. 221). For conviction of unlawful carnal knowledge or defilement of girls, prosecution must take place within two months of the commission of the offense, and be corroborated by the testimony of an additional witness. (Comment: few convictions for sexual assault or defilement of girls are won -- or even brought before a court -- under these statutes. The criminal court system can take months if not years to hear a case. It is extremely difficult for prosecutors to find a witness to corroborate the victim's testimony, especially since discussion of sexual issues is taboo in most areas. End Comment.) Anyone causing or encouraging female prostitution before age 16 is liable for imprisonment up to two years (criminal code Cap. 42, Ch. XXI, S. 222A). Adults and Rape: under the criminal code, rape is defined as "unlawful carnal knowledge of a woman or girl, without her consent, if the consent is obtained by force or by other means of threat or intimidation of any kind, or any fear of harm, or by means of false and fraudulent representation as to the nature of the act." The penalty is life imprisonment. A judge may also declare an additional penalty of "whipping" for a convicted rapist. Under Section 282 of the Penal Code, the threat of death or injury, or the use of deceit, must be used for unlawful carnal knowledge to be considered rape. The Penal Code provides for a court to determine any length of imprisonment, including life, for rape. Compared to the Edo State law against trafficking, and the provisions in Chapter 21 of the Criminal Code, and provisions in the Penal Code, Nigerian lawmakers view rape as a much more serious offense. Unfortunately, few offenders are brought to book despite these laws.

1D. HAS THE GOVERNMENT PROSECUTED ANY CASES AGAINST TRAFFICKERS? IF YES, PROVIDE NUMBERS OF ARRESTS, INDICTMENTS, PLEA BARGAINS, FINES AND CONVICTIONS. WHAT WERE THE PENALTIES ACTUALLY IMPOSED IN EACH CASE? ARE THE TRAFFICKERS SERVING THE TIME SENTENCED? IF NO, WHY NOT? PLEASE INDICATE WHETHER THE GOVERNMENT CAN PROVIDE THIS INFORMATION, AND IF NOT, WHY NOT?

1D. There is no federal law against trafficking; therefore, no cases have been tried.

1E. IS THERE ANY INFORMATION OR REPORTS OF WHO IS BEHIND THE

TRAFFICKING? FOR EXAMPLE, ARE THE TRAFFICKERS FREELANCE OPERATORS, SMALL CRIMINAL GROUPS, AND/OR LARGE INTERNATIONAL ORGANIZED CRIME SYNDICATES? ARE EMPLOYMENT, TRAVEL AND TOURISM AGENCIES OR MARRIAGE BROKERS FRONTING FOR TRAFFICKERS OR CRIME GROUPS TO TRAFFIC INDIVIDUALS? ARE GOVERNMENT OFFICIALS INVOLVED?

1E. Few arrests of traffickers are made their strong ties to traditional rulers, particularly in Edo and eastern states, and the collusion of family members of the victims impede law enforcement efforts. As noted earlier, anecdotal evidence suggests that Edo state-based crime groups control the traffic in women and girls from that state to Italy and are involved in other criminal activities such as drug-trafficking and money-laundering. Moreover, there is increasing evidence that former victims of trafficking are involved in the recruitment of young girls for commercial sex work in Europe. Some law enforcement and government officials in that state reportedly are involved in the trade. Travel agencies and employment firms based in the South-East and South-South frequently advertise bogus offers of legitimate employment in Europe and even in the U.S, and are believed to be trafficking fronts.

1F. DOES THE GOVERNMENT ACTIVELY INVESTIGATE CASES OF TRAFFICKING? (AGAIN, THE FOCUS SHOULD BE ON TRAFFICKING CASES VICE ALIEN SMUGGLING CASES.) DOES THE GOVERNMENT USE ACTIVE INVESTIGATION TECHNIQUES IN TIP INVESTIGATIONS? TO THE EXTENT POSSIBLE UNDER DOMESTIC LAW, ARE TECHNIQUES SUCH AS ELECTRONIC SURVEILLANCE, UNDERCOVER OPERATIONS, AND MITIGATED PUNISHMENT OR IMMUNITY FOR COOPERATING SUSPECTS USED BY THE GOVERNMENT?

1F. Interpol and members of the anti-Trafficking Task Force have minimal resources for investigations and are preoccupied with repatriating victims to their states of origin. The task force swings into actions when it receives notice of imminent deportation of Nigerian TIP victims from Europe or a trafficker is intercepted at the border. They begin investigations by interviewing victims, who generally do not cooperate in providing criminal evidence against traffickers because of their fear of trafficker retribution and threats of preternatural curses. Next, members of the task force will videotape the victims and travel to their homes for identification purposes and to contact their families. The deportees are also tested for HIV/AIDS. Those testing positive are turned over to the state of origin's commission for health. Electronic surveillance and undercover operations are techniques used in the investigation of other criminal activities in Nigeria but, given the lack of adequate anti-TIP resources, are not currently employed in Nigeria's law enforcement response to trafficking. Since few traffickers are arrested the issue of mitigated punishment or immunity from prosecution is generally moot.

1G. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN HOW TO INVESTIGATE AND PROSECUTE INCIDENCES OF TRAFFICKING?

1G. The Nigerian Police Force (NPF) will soon receive a specialized anti-trafficking training program for members of its anti-TIP Task Force as well as members of the general police force posted in areas of significant trafficking activity as part of an IOM project. This project will also seek to establish an anti-TIP training module for inclusion in the existing basic training curriculum for new police recruits.

1H. DOES THE GOVERNMENT COOPERATE WITH OTHER GOVERNMENTS IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES? IF POSSIBLE, CAN POST PROVIDE THE NUMBER OF COOPERATIVE INTERNATIONAL INVESTIGATIONS ON TRAFFICKING?

1H. Yes, the GON cooperates with other governments on TIP investigations and prosecutions. Post cannot provide a specific number of cases, but can point to the July arrest of 15 Nigerian traffickers in Conakry and the Guinean government's subsequent extradition of these 15 to Nigeria -- where they now await trial -- as the most significant case of international cooperation in 2002.

1I. DOES THE GOVERNMENT EXTRADITE PERSONS WHO ARE CHARGED WITH TRAFFICKING IN OTHER COUNTRIES? IF SO, CAN POST PROVIDE THE NUMBER OF TRAFFICKERS EXTRADITED? DOES THE GOVERNMENT EXTRADITE ITS OWN NATIONALS CHARGED WITH SUCH OFFENSES? IF NOT, IS THE GOVERNMENT PROHIBITED BY LAW FROM EXTRADITING ITS OWN NATIONALS? IF SO, WHAT IS THE

GOVERNMENT DOING TO MODIFY ITS LAWS TO PERMIT THE
EXTRADITION OF NATIONALS?

1I. The GON has extradition agreements with a number of countries, including the U.S. but usually these agreements have a "dual criminality" requirement -- a person is not subject to extradition to stand trial for an alleged offense committed in/against a foreign country unless that same offense is a crime under Nigerian federal law. Since trafficking is not a federal crime (yet), traffickers cannot be extradited for that particular offense, though they could be extradited for related offenses such as kidnapping, slavery, and abuse of a minor. Post is unaware of any such extraditions.

1J. and K. IS THERE EVIDENCE OF GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, ON A LOCAL OR INSTITUTIONAL LEVEL? IF YES, PLEASE EXPLAIN IN DETAIL. IF GOVERNMENT OFFICIALS ARE INVOLVED IN TRAFFICKING, WHAT STEPS HAS THE GOVERNMENT TAKEN TO END THEIR PARTICIPATION? HAVE ANY GOVERNMENT OFFICIALS BEEN PROSECUTED FOR INVOLVEMENT IN TRAFFICKING OR TRAFFICKING-RELATED CORRUPTION? HAVE ANY BEEN CONVICTED? WHAT ACTUAL SENTENCE WAS IMPOSED?

1J. and K. Deputy Inspector General (DIG) of Police Ojomo -- forcibly retired on March 6, 2002 -- claimed to have been investigating allegations of the collusion of Customs officials in the illegal trade. Returnees have made allegations that Nigerian Immigration officials accepted bribes to look the other way when traffickers take victims out of the country. There are credible allegations that some traditional rulers in Edo State have assisted traffickers and support the recruitment of Bini women into the international sex trade. Consequently, efforts to engage local government authorities and traditional rulers in an awareness campaign frequently run aground because of leadership acquiescence in or support of human smuggling. Many of these leaders are themselves sophisticated criminals who have operated in Edo State for the past 20 years.

1L. HAS THE GOVERNMENT SIGNED AND RATIFIED THE FOLLOWING INTERNATIONAL INSTRUMENTS? PLEASE PROVIDE THE DATE OF SIGNATURE/RATIFICATION IF APPROPRIATE.

--ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR.

--SALE OF CHILDREN PROTOCOL SUPPLEMENTING THE RIGHTS OF THE CHILD CONVENTION (CRC)

-- THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.

1L. The GON signed the ILO's Convention 182 and the Federal Executive Council has approved ratification and is now awaiting the National Assembly's approval. The GON signed the Protocol on the Sale of Children, Child Prostitution and Child Pornography (supplementing the CRC) on September 8, 2000 but has not yet ratified it. The GON was the first African country to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the UN TOC Convention), signing this on December 13, 2000 and ratified it on June 28, 2001.

PARA 26 -- PROTECTION AND ASSISTANCE TO VICTIMS

1A. DOES THE GOVERNMENT ASSIST VICTIMS, FOR EXAMPLE, BY PROVIDING TEMPORARY TO PERMANENT RESIDENCY STATUS, RELIEF FROM DEPORTATION, SHELTER AND ACCESS TO LEGAL, MEDICAL AND PSYCHOLOGICAL SERVICES? IF YES, PLEASE EXPLAIN. ARE THE RIGHTS OF VICTIMS RESPECTED, OR ARE THEY ALSO TREATED AS CRIMINALS? DOES THE COUNTRY HAVE VICTIM CARE AND VICTIM HEALTH CARE FACILITIES? IF SO, CAN POST PROVIDE THE NUMBER OF VICTIMS PLACED IN THESE CARE FACILITIES?

1A. There are no clear established policies to deal with persons trafficked to Nigeria and all regular laws apply. For trafficked victims returned to Nigeria, social services for resettlement are provided by a very small number of financially-strapped NGOs, not the government. The Italian government has provided USD 800,000 to the IOM for

assistance to women and girls repatriated to Nigeria and to provide medical aid for returnees with HIV/AIDS. Another USD one million has been provided by the Italian government for preventative medical programs discouraging the spread of HIV/AIDS in the country. On the other hand, there have been sporadic attempts by the GON over the past two years to "parade" returned victims before the media to discourage cooperation with traffickers. Media reports have carried estimates of the number of those infected by HIV/AIDS in these reports. While it may serve as a deterrent to some potential victims, this campaign does not provide any assistance to those already victimized by the illicit trade.

1B. DOES THE GOVERNMENT PROVIDE FUNDING OR OTHER FORMS OF SUPPORT TO FOREIGN OR DOMESTIC NGOS FOR SERVICES TO VICTIMS? PLEASE EXPLAIN.

1B. According to the new Presidential Assistant on Human Trafficking and Child Labor, the federal government, through the Inter-ministerial Committee Against Trafficking in Persons, will provide, in the coming year, funding to NGOs such as the National Council for Women Societies and the Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), the Child Welfare League of Nigeria (CWLN) and IDIA Renaissance to better assist returned Nigerian victims of trafficking.

1C. ARE VICTIMS DETAINED, JAILED, FINED, OR DEPORTED? IF DETAINED OR JAILED, FOR HOW LONG? ARE VICTIMS PROSECUTED FOR VIOLATIONS OF OTHER LAWS, SUCH AS THOSE GOVERNING IMMIGRATION OR PROSTITUTION?

1C. Victims who are returned from other countries, such as Italy, are currently subjected to confinement, sometimes in cramped facilities along with criminals for varying periods of time. Victims repatriated to Nigeria are also subjected to mandatory testing for HIV/AIDS and other sexually transmitted diseases before released from police custody. These repatriated trafficking victims are seldom prosecuted for violations of other laws such as immigration or prostitution offenses.

1D. DOES THE GOVERNMENT ENCOURAGE VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING? MAY VICTIMS FILE CIVIL SUITS OR SEEK LEGAL ACTION AGAINST THE TRAFFICKERS? DOES ANYONE IMPEDE THE VICTIMS' ACCESS TO SUCH LEGAL REDRESS? IF A VICTIM IS A MATERIAL WITNESS IN A COURT CASE AGAINST THE FORMER EMPLOYER, IS THE VICTIM PERMITTED TO OBTAIN OTHER EMPLOYMENT OR TO LEAVE THE COUNTRY? IS THERE A VICTIM RESTITUTION PROGRAM?

1D. The Police Anti-TIP Task Force encourages repatriated victims to provide testimony for the prosecution of Nigeria-based traffickers, but rarely receives adequate evidence as many women and girls have been threatened by traffickers, often through voodoo or juju, of they cooperate with law enforcement. There is no witness restitution program in Nigeria, though witnesses could seek legal action against traffickers through civil suits (though no such suits are known). Given the lack of a federal trafficking law and the paucity of related criminal investigations, it is not known if victims who cooperate in an criminal investigation as a material witness are permitted to obtain other employment or leave the country.

1E. WHAT KIND OF PROTECTIONS IS GOVERNMENT ABLE TO PROVIDE FOR VICTIMS AND WITNESSES? DOES IT PROVIDE THESE PROTECTIONS IN PRACTICE?

1E. No victim or witness protection is currently available, though, as mentioned earlier, the federal government is planning to establish long-term care and vocational training facilities for returned victims. Also, witness protection measures are being considered as part of the draft TIP law now being considered by the National Assembly.

1F. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN THE PROVISION OF ASSISTANCE TO TRAFFICKED VICTIMS, INCLUDING THE SPECIAL NEEDS OF TRAFFICKED CHILDREN? DOES THE GOVERNMENT PROVIDE TRAINING ON PROTECTIONS AND ASSISTANCE TO ITS EMBASSIES AND CONSULATES IN FOREIGN COUNTRIES THAT ARE DESTINATION OR TRANSIT COUNTRIES? DOES IT URGE THOSE EMBASSIES AND CONSULATES TO DEVELOP ONGOING RELATIONSHIPS WITH NGOS THAT SERVE TRAFFICKED VICTIMS?

1F. Italy is by far the greatest destination for Nigerians trafficked abroad. The government of Nigeria has stationed a consular officer at its embassy in Rome to assist Nigerian trafficking victims arrested or rescued by Italian police and to facilitate their repatriation to Nigeria. The Nigerian Embassy in Rome works closely with Italian police, immigration and Carabinieri and coordinates shelter care for Nigerian trafficking victims with Catholic NGOs such as Caritas. Training of the Nigerian Embassy consular officer and others, such as the members of the NPF anti-TIP Task Force in Lagos, appears informal and minimal, though the IOM project mentioned earlier plans to provide a formal training regime for the Police.

1G. DOES THE GOVERNMENT PROVIDE ASSISTANCE, SUCH AS MEDICAL AID, SHELTER, OR FINANCIAL HELP, TO ITS REPATRIATED NATIONALS WHO ARE VICTIMS OF TRAFFICKING?

1G. The government, in the form of the Police Anti-TIP Task Force, provides limited short-term shelter for victims of trafficking returned to Nigeria. It has no provisions, however, for longer-term medical care or rehabilitation of these trafficking victims. President Obasanjo's new Special Assistant on Human Trafficking and Child Labor is, however, planning to coordinate the establishment of long-term shelters and vocational training centers for TIP victims in Lagos and Abuja in the coming year. Currently victims who test positive for HIV/AIDS at the Police short-term shelter in Lagos are turned over to the health commissions of their state of origin for follow-on treatment and counseling.

1H. WHICH NGOS, IF ANY, WORK WITH TRAFFICKING VICTIMS? WHAT TYPES OF SERVICES DO THEY PROVIDE? WHAT SORT OF COOPERATION DO THEY RECEIVE FROM LOCAL AUTHORITIES? NOTE: IF POST REPORTS THAT A GOVERNMENT IS INCAPABLE OF ASSISTING AND PROTECTING TRAFFICKING IN PERSONS VICTIMS, THEN POST SHOULD EXPLAIN THOROUGHLY. FUNDING, PERSONNEL, AND TRAINING CONSTRAINTS SHOULD BE NOTED, IF APPLICABLE. CONVERSELY, A LACK OF POLITICAL WILL TO ADDRESS SHOULD BE NOTED AS WELL.

1H. There are several NGOs active on the anti-TIP front, including Mrs. Igbiniedion's IDIA Renaissance, the Women's Consortium of Nigeria (WOCON) and the Women Trafficking and Child Labor Eradication Foundation (WOTCLEF). There is also a newly-created alliance of 12 NGOs to address trafficking -- the National Coalition Against Trafficking in Persons (NACATIP). These groups, particularly IDIA Renaissance in Edo State, provide long-term comprehensive assistance to trafficking victims, though this receives no federal funding. The stated commitment of President Obasanjo to the fight against TIP has not yet yielded funds for these local efforts to help trafficking victims.

POINT OF CONTACT

Post's point of contact on Anti-Trafficking in Persons issues is Narcotics and Law Enforcement Affairs (NLEA) officer Mark Taylor; telephone: 234-9-523-0916, 523-8001, 523-0960 or 234-9-413-1867 or 234-80340-21471 (mobile).

ANDREWS